

December 22, 2003

Kentucky Registry of Election Finance  
Hon. Rosemary F. Center  
General Counsel  
140 Walnut Street  
Frankfort, KY 40601

12-23-03A10:33 RCVD

VIA FACSIMILE - (502) 573-5622 No original to follow

Re: Request for Advisory Opinion

Dear Ms. Center:

I am writing to formally request an advisory opinion from the Registry regarding KentuckyDems.com upon the suggestion of George Baker in your office. Since the vast majority of election finance laws were not written in contemplation of the Internet, I have been unable to find adequate direction in the statutes, regulations or previous advisory opinions.

In recognition of the apparent trend in Kentucky politics, I, along with two or three colleagues, feel that the voices of moderate Kentucky democrats are being drowned-out by a well-funded and well-organized opposition. In an effort to give a voice to reasonable democratic and moderate voices, we have resolved to form and fund KentuckyDems.com, a web-site dedicated to providing news, commentary and opinion of interest to the people of Kentucky.

Our web site will solicit and publish opinions on policies facing our state and nation and will take strong positions thereon. Further, it is conceivable that individual contributing columnists will likely advocate that readers vote for one candidate over another and/or support one party over another. A disclaimer shall appear at the bottom of each article stating that the views expressed in the article are entirely those of the author and do not necessarily reflect the views of KentuckyDems.com.

The web site will not be affiliated in any way or coordinated with the Kentucky Democratic Party or any subdivision thereof. The site will be completely independent from the Kentucky Democratic Party, which shall have absolutely no discretion over the its content. However, we will likely publish articles or press releases from elected officials, activists, or individuals that are members or leaders of democratic organizations or the Democratic Party, itself.

We are aware of a similar site published by republicans, KyRepublicans.com, which according to our research on your web site, does not appear to be reporting as a contributing organization or political action committee. Although our content will certainly come from a different point of view, the nature and character of the sites will be similar. We believe that the two sites should have the same reporting status and would welcome an opinion from you stating that neither organization has any responsibility to report to the Registry. However, we are steadfast in our desire to follow both the letter and the spirit of applicable election and campaign finance laws. Therefore, I respectfully submit the following questions to you:

1. Based upon the description of the proposed web site above, will KentuckyDems.com have a responsibility to report to the Kentucky Registry of Election Finance in any way, including, but not limited to, as a Political Action Committee or Contributing Organization? If so, what is the correct filing status and what particular aspects of the site trigger such requirements?

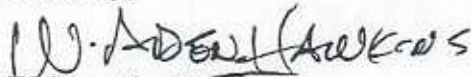
2. Would the founders of KentuckyDems.com be precluded from forming a limited liability corporation or other corporation solely for the purpose of operating the web site in a manner consistent with the above description?

3. Would accepting paid advertisements for display on the site to defray the costs of publication be precluded by applicable election or campaign finance laws?

4. Are there any other campaign finance related issues of which we should be aware?

I appreciate your attention to this request. Please feel free to contact me by calling 270-791-4061 if you have any questions or if you need any additional information.

Sincerely,

  
Walter Aden Hawkins